

PROCEDURE 15. IDENTIFYING, INVESTIGATING,
AND REPORTING QUESTIONABLE ACTIVITIES

A. APPLICABILITY

This procedure provides for the identification, investigation, and reporting of questionable intelligence activities.

B. EXPLANATION OF UNDEFINED TERMS

1. The term "questionable activity," as used herein, refers to any conduct that constitutes, or is related to, an intelligence activity that may violate the **law**, any Executive Order or Presidential directive, including **E.O. 12333** (reference (a)), or applicable DoD policy, including this Regulation.

2. The terms "General Counsel" and "Inspector General," as used herein, refer, unless otherwise specified, to any General Counsel or Inspector General with responsibility for one or more **DoD** intelligence components. Unless otherwise indicated, the term "Inspector General" shall also include the **ATSD(IO)**.

C. PROCEDURES

1. Identification.

a. Each employee shall report any questionable activity to the General Counsel or Inspector General for the DoD intelligence component concerned, or to the General Counsel, DoD, or **ATSD(IO)**.

b. Inspectors General, as part of their inspection of DoD intelligence components, and General Counsels, as part of their oversight responsibilities shall seek to **determine** if such components are involved in any questionable activities. If such activities have been or are being **undertaken, the matter** shall be investigated under subsection **C.2.**, below. If such activities have been undertaken but were not reported, the Inspector General shall also ascertain the reason for such failure and recommend appropriate corrective action.

c. Inspectors General, as part of their oversight responsibilities, shall, as appropriate, ascertain whether any organizations, staffs, or offices within their respective jurisdictions but not otherwise specifically identified as DoD intelligence components, are being used for foreign intelligence or counterintelligence purposes to which Part 2 of **E.O. 12333** (reference (a)), applies, and, if so, shall ensure the activities of such components are in compliance with this Regulation and applicable DoD policy.

d. Inspectors General, as part of their inspection of DoD intelligence components, shall ensure that procedures exist within such components for the reporting of questionable activities, and that employees of such components are aware of their responsibilities to report such activities.

2. Investigation.

a. Each report of a questionable activity shall be investigated to the extent necessary to determine the facts and assess whether the activity is legal and is consistent with applicable policy.

b. When appropriate, questionable activities reported to a General Counsel shall be referred to the corresponding Inspector General for investigation, and if reported to an Inspector General, shall be referred **to the** corresponding General Counsel to determine whether the activity is legal and consistent with applicable policy. Reports made to the DoD General Counsel or the **ATSD(IO)** may be referred, after consultation between these officials, to the appropriate Inspector General and General Counsel for investigation and evaluation.

c. Investigations shall be conducted expeditiously. The officials responsible for these investigations may, in accordance with established procedures, obtain assistance from within the component concerned, or from other DoD Components, when necessary, to complete such investigations in a timely manner.

d. To complete such investigations, General Counsels and Inspectors General shall have access to all relevant information regardless of classification or compartmentation.

3. Reports.

a. Each General Counsel and Inspector General shall report immediately to the General Counsel, DoD, and the **ATSD(IO)** questionable activities of a serious nature.

b. Each General Counsel and Inspector General shall submit to the **ATSD(IO)** a quarterly report describing those activities that come to their attention during the quarter reasonably believed to be illegal or contrary to Executive Order or Presidential directive, or applicable DoD policy; and actions taken with respect to such activities. The reports shall also include significant oversight activities undertaken during the quarter and any suggestions for improvements in the oversight system. Separate, joint, or **consolidated reports** may be submitted. These reports should be prepared in accordance with DoD Directive 5000.11 (reference (j)).

c. All reports made pursuant to paragraph **C.3.a.** and b., above, which involve a possible violation of federal criminal **law** shall be considered by the General Counsel concerned in accordance with the procedures adopted pursuant to section 1.7(a) of **E.O. 12333** (reference (a)).

d. The General Counsel, DoD, and the **ATSD(IO)** may review the findings of other General Counsels and Inspector Generals with respect to questionable activities.

e. The **ATSD(IO)** and the General Counsel, DoD, shall report in a timely manner to the White House Intelligence Oversight Board all activities that come to their attention that are reasonably believed to be illegal or contrary to Executive Order or Presidential directive. They will also advise appropriate officials of the Office of the Secretary of Defense of such activities.

f. These reporting requirements are exempt from formal approval and licensing in accordance with subsection **VII.G.** of enclosure 3 **to** DoD Directive 5000.19 (reference (k)).